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November 19, 1997

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

RECEIVED

NOV 19 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: Amendment of  
Section 73.202(b) of the Commission's Rules  
Table of FM Channel Allotments  
Radio Station WPEZ(FM)  
Macon, Georgia  
U. S. Broadcasting Limited Partnership

Dear Mr. Caton:

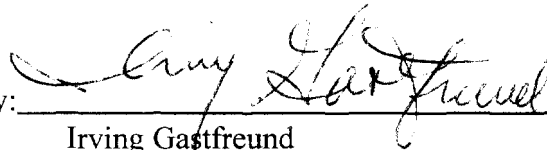
Submitted herewith for filing, on behalf of our client, U. S. Broadcasting Limited Partnership, licensee of Radio Station WPEZ(FM), Macon, Georgia, are an original and four copies of its Petition for Rulemaking proposing reallocation of its channel (FM Channel 300C1) from Macon, Georgia, to Hampton, Georgia, and proposing modification of WPEZ(FM)'s license to specify operations on Channel 300C1 in Hampton, Georgia, following the proposed rulemaking.

Please direct any inquiries concerning this submission to the undersigned.

Respectfully submitted,

KAYE, SCHOLER, FIERMAN, HAYS &  
HANDLER, LLP

By:

  
Irving Gastfreund

Enclosures

BEFORE THE  
**Federal Communications Commission**

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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In the Matter of )  
 )  
Amendment Of Section 73.202(b) of the )  
Commission's Rules )  
 )  
Table of Allotments For FM Broadcast Stations )  
(Macon, Georgia, and Hampton, Georgia) )

RM No. \_\_\_\_\_  
MM Docket No. \_\_\_\_\_

**TO: Chief, Mass Media Bureau**

**PETITION FOR RULEMAKING**

Irving Gastfreund

Kaye, Scholer, Fierman, Hays & Handler, LLP  
901 15th Street, N.W., Suite 1100  
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(202) 682-3526  
Its Attorneys

November 19, 1997

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**Summary**

Adoption by the Commission of the channel reallocation and license modification proposed herein by U. S. Broadcasting Limited Partnership (“USBLP”), licensee of Radio Station WPEZ(FM), Macon, Georgia, would be fully consistent with the paramount public interest, convenience and necessity. Significantly, based on the totality of the record evidence in this proceeding, it is clear that there would be complete compliance with the Commission’s minimum FM channel separation requirements, as set forth in Section 73.207 of the Commission’s Rules, and other applicable Commission Rules and policies. Under these facts, based on the totality of circumstances here involved, the Commission should expeditiously initiate a formal rulemaking proceeding contemplating expeditious grant of USBLP’s instant proposal and modify the FM Table of Allotments to reallocate FM Channel 300C1 from Macon, Georgia, to Hampton, Georgia, and the Commission should concomitantly modify the license of Radio Station WPEZ(FM) to specify operation on Channel 300C1 in Hampton, Georgia, in lieu of operation on Channel 300C1 in Macon, Georgia. See, generally, Farmington, Grass Valley, Jackson, Fair Oaks, California, et al., 11 FCC Rcd 8117 (Mass Media Bureau 1996) (granting a channel reallocation request relocating a local service from the Carson City market to the Sacramento, California Urbanized Area).

In light of all the foregoing, it is respectfully requested that the Commission expeditiously institute a rulemaking proceeding proposing amendment to the FM Table of Allotments as set forth hereinabove.

BEFORE THE  
**Federal Communications Commission**  
WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	
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Commission's Rules	)	MM Docket No. _____
	)	
Table of Allotments For FM Broadcast Stations	)	
(Macon, Georgia, and Hampton, Georgia)	)	

**TO: Chief, Mass Media Bureau**

**PETITION FOR RULEMAKING**

U.S. BROADCASTING LIMITED PARTNERSHIP ("USBLP"), licensee of Radio Station WPEZ(FM), Macon, Georgia, by its attorneys, pursuant to Sections 1.401 and 1.420 of the Commission's Rules, hereby respectfully petitions the Commission for: (a) modification of the Commission's Table of FM Channel Allotments (Section 73.202(b) of the Commission's Rules) to: (i) delete FM Channel 300C1 from Macon, Georgia; and (ii) add FM Channel 300C1 to Hampton, Georgia; and (b) modification of the license of Radio Station WPEZ(FM) to specify operations on FM Channel 300C1 in Hampton, Georgia, in lieu of operation on Channel 300C1 in Macon, Georgia. USBLP respectfully requests expeditious adoption and release by the Commission of a Notice of Proposed Rulemaking to initiate the process of amendment of Section 73.202(b) of the Commission's Rules to implement the aforementioned proposed changes. In support whereof, it is shown as follows:

## **I. Introduction**

The proposed reallocation of FM Channel 300C1 from Macon, Georgia, to Hampton, Georgia, and the concomitant modification of the license of Radio Station WPEZ(FM), Macon, Georgia, to Hampton, Georgia, as proposed herein by USBLP, can be effectuated by the Commission in full harmony with Section 73.207 of the Commission's Rules and with all other applicable Commission Rules. The proposal will not conflict with any other existing broadcast station operations and requires no other changes to the FM Table of Allotments. In this regard, there is annexed hereto as Exhibit 1 the Engineering Statement of Louis R. du Treil, Sr., an engineer to the consulting engineering firm of du Treil, Lundin & Rackley, Inc., who serve as consulting engineers to USBLP. Mr. du Treil therein demonstrates that the proposed reallocation of FM Channel 300C1 from Macon, Georgia, to Hampton, Georgia, as proposed herein by USBLP, can be accomplished consistent with all existing applicable Commission Rules and policies. Id. at 1.

## **II. Argument**

Mr. du Treil notes in Exhibit 1, infra, that WPEZ(FM) presently operates on Channel 300C1, employing an Effective Radiated Power ("ERP") of 100 kW and an antenna height of 210 meters above average terrain ("HAAT"). Id. at 1. Mr. du Treil further shows that the HAAT employed by WPEZ(FM) is 89 meters below the maximum HAAT permitted to a Class C1 FM station under applicable Commission Rules. Id. Mr. du Treil further shows that although the instant USBLP proposal would remove a local FM transmission service from Macon, Georgia,

nonetheless, abundant service (i.e., at least nine other AM and FM stations) would continue to be provided to Macon, and, in addition, under the instant USBLP proposal, another city -- Hampton, Georgia -- would receive its first and only local FM broadcast transmission service. Id.

Mr. du Treil shows that, in addition to the allotment of four FM channels by the Commission to Macon, all of which are currently in use, there are six AM broadcast stations licensed to Macon, Georgia. Id. at 2. Hampton, Georgia, on the other hand, has no local aural broadcast assignment. Id. at 2.

Hampton, Georgia, is located in Henry County, Georgia, and, according to the 1990 U.S. Census Bureau data, the city had a population of 2,294 persons, and the county had a population of 58,741. Id. Hampton is not located in any Urbanized Area according to the 1990 U.S. Census data. Id. at 2. Mr. du Treil demonstrates that the closest Urbanized Area to Hampton is the southern-most part of the Atlanta Urbanized Area, which is located approximately 8 km to the north of Hampton, Georgia. Exhibit 1, infra, at 2.

Mr. du Treil shows that FM Channel 300C1 can be allotted to Hampton, Georgia, in full compliance with the separation requirements of Section 73.207 of the Commission's Rules, employing a transmitter site located approximately 13 km southwest of the City of Hampton. Id. at 2. The following geographic coordinates were employed as reference coordinates for Mr. du Treil's allocation study:

33° 15' 33" North Latitude

84° 26' 21" West Longitude.

In addition to demonstrating that short-spacings would result from the instant USBLP proposal, Mr. du Treil demonstrates in Exhibit 1 that the proposed allocation of FM Channel 300C1 at Hampton, Georgia, would be mutually-exclusive with the present existing use of FM Channel 300C1 by WPEZ(FM) in Macon, Georgia. Exhibit 1 at 3. Accordingly, the instant rulemaking proposal of USBLP fully complies with the provisions of Section 1.420(i) of the Commission's Rules, which provides as follows:

"In the course of rule making proceeding to amend §73.202(b) or §73.606(b), the Commission may modify the license or permit of an FM station to specify a new community of license where the amended allotment would be mutually exclusive with the licensee's or permittee's present assignment."

Mr du Treil demonstrates that the area in which a station broadcasting on FM Channel 300C1 may be located and yet fully meets all Commission separation requirements as set forth in Section 73.207 of the Commission's Rules, is a sizeable area which contains 1,622 square km. Id. The reference geographic coordinates (set forth hereinabove), employed for Mr. du Treil's engineering study of FM Channel 300C1 at Hampton, Georgia, are located in the northern part of the usable zone. Id. at 3.

In addition to complying with all applicable Commission allocation and city coverage rules, the proposed operation of Radio Station WPEZ(FM) in Hampton, Georgia, would cover no more than 17.8 percent of the Atlanta Urbanized Area (and no portion of any other Urbanized Area), as defined by the 1990 Census, with a city grade signal strength of 70 dBu (i.e., 3.16 mV/m) or greater. Id. at 3. This assumes operation with maximum Class C1 Effective Radiated



Power (i.e., 100 kW) and antenna height (299 meters HAAT) and with omnidirectional antenna. Id.

The proposed use of FM Channel 300C1 in Hampton, Georgia, as proposed herein by USBLP, would result in WPEZ(FM) providing greater than city grade 70 dBu (i.e., 3.16 mV/m) coverage to all of Hampton, Georgia. Id. at 3. In addition, the proposed WPEZ(FM) 60 dBu (i.e., 1.0 mV/m) contour will provide a broadcast service to 1,994,701 persons in an area of 16,422 square km. Id. Coverage for the proposed operation of WPEZ(FM) in Hampton, Georgia, is based on the use of maximum Class C1 technical facilities. Id. at 3-4.

Mr. du Treil demonstrates, infra, that the proposed reallocation of Channel 300C1 to Hampton, Georgia, would bring to the City of Hampton, Georgia, its first local aural broadcast transmission facility. Exhibit 1 at 4. Conversely, after reallocation of the Channel of WPEZ(FM) from Macon, Georgia, to Hampton, Georgia, the City of Macon would still enjoy the local broadcast transmission service of each of the following stations: (a) three local Macon FM stations: WMKS(FM) (Channel 222A), WAYS(FM) (Channel 256C1) and WDEN(FM) (Channel 287C1); and (b) six local Macon AM stations: WBML (900 kHz), WMWR (940 kHz), WDDO (1240 kHz), WIBB (1280 kHz), WNEX (1400 kHz) and WDEN (1500 kHz). Id. at 4. Hence, after implementation of the proposed reallocation of WPEZ(FM) to Hampton, Macon would continue to have at least nine local transmission services in that community and would continue to receive 1 mV/m reception service from at least 17 commercial radio stations (including the nine mentioned above). Exhibit 1, infra, at 4.

Mr. du Treil further shows that the currently licensed facility of WPEZ(FM) (i.e., 100 kW ERP, 210 meters HAAT) provides service to 438,179 persons in an area of 13,265 square kilometers, and that five or more aural reception services would remain available within the entire existing 60 dBu (1 mV/m) contour of WPEZ(FM), even following the channel reallocation proposed herein by USBLP. Id. at 4.

Mr. du Treil further demonstrates that the area and population (i.e., 12,307 square km and 403,028 persons) which are theoretically predicted to lose WPEZ(FM) service as the result of the channel reallocation proposed herein, each receive five or more existing reception services of a signal strength of 60 dBu (i.e., 1 mV/m) or greater. Id. at 4-5, infra. A summary of population and area coverage is as follows:

	<u>60 dBu Contour</u>	
	<u>Population (1990)</u>	<u>Area (square km)</u>
Proposed WPEZ(FM)	1,994,701	16,422
Existing WPEZ(FM)	438,179	13,265
Common Coverage	35,151	958
Net Gain	1,959,550	15,464
Net Loss	403,028	12,307

See Exhibit 1, infra at 5.

In short, the proposed net gains from the reallocation proposed herein by USBLP would clearly outweigh by a great margin any net losses in service that would flow from implementation of the proposal. Exhibit 1, infra, at 5. As shown herein, the proposed reallocation of FM Channel 300C1 from Macon to Hampton, Georgia, and the proposed

modification of license of WPEZ(FM) would extend important and new broadcast service to Hampton and bring new service to significant additional areas and populations, all in the paramount public interest.

In sum, Mr. du Treil demonstrates, infra, that the proposed WPEZ(FM) operation at Hampton, Georgia, will provide that community with its first local transmission service without any adverse impact whatsoever on the existing City of Macon, Georgia, or its residents. See Exhibit 1, infra, at 5-6. In short, the paramount public interest, convenience and necessity would best be served by the proposed reallocation of FM Channel 300C1 from Macon, Georgia, to Hampton, Georgia, and by the proposed modification of the license of WPEZ(FM) to specify operations on FM Channel 300C1 in Hampton, Georgia, all as proposed herein by USBLP.

USBLP intends to apply for a construction permit for implementation of the technical changes proposed herein to seek a modification of the license for WPEZ(FM) to specify operations on FM Channel 300C1 in Hampton, Georgia, upon amendment by the Commission of Section 73.202(b) of the Commission's Rules in the manner proposed herein by USBLP, and, if that application is granted by the Commission, USBLP intends to expeditiously construct the authorized facilities following Commission grant of a construction permit to USBLP.

Under Section 307(b) of the Communications Act, the Commission must always determine whether any proposed amendment to its FM Table of Allotments is in the public interest and whether such a proposed change would "make such distribution of licenses [and]

frequencies ... among the several states and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same". In making this statutory determination under Section 307(b) of the Communications Act, the Commission compares the proposed allotment plan to the existing state of allotments for the communities involved. If adoption of the proposed allotment plan would result in a net service benefit for the communities involved (that is, if the proposed plan would result in a preferential arrangement of allotments under Section 307(b) of the Communications Act), the Commission will adopt the proposal and correspondingly reject any counterproposal for a different community. See Community of License, 4 FCC Rcd 4870, 4873 (1989), recon. granted in part, 5 FCC Rcd 7094 (1990).

In making the determination as to whether there would be a preferential arrangement of allotments, the Commission has long-established FM allocation priorities; that is, priorities which seek to provide the following, in descending order of priority:

1. First full-time aural broadcast reception service;
2. Second full-time aural broadcast reception service;
3. First local broadcast transmission service; and
4. Other public interest factors.

Co-equal weight is given to priorities (2) and (3) above. See Community of License, 4 FCC Rcd 4870 - 4973 and n.8 (1989); Faye and Richard Tuck, Inc., 3 FCC Rcd 5374, 5376 (1988); Parker & Port St. Joe, Florida, 11 FCC Rcd 1095 (Mass Media Bureau 1996).

Here, as shown above, the proposed reallocation of FM Channel 300C1 from Macon to Hampton, Georgia, as proposed herein by USBLP, would clearly constitute a first local broadcast transmission service in Hampton, Georgia, thereby satisfying the above-described FM Allocation Priority No. 3. In addition, as shown above and in Exhibit 1, infra, the proposed channel reallocation would result in a net service gain of 1,959,550 persons (based on 1990 U.S. Census Bureau data) in an area of 15,464 square km (based on the proposed 60 dBu contour of WPEZ(FM)), as compared with a net loss of only 403,028 persons in an area of only 12,307 square km. In short, as shown above and in Exhibit 1 annexed hereto, the proposed reallocation would bring new FM service to significant additional areas and populations. This fact alone constitutes one “other public interest factor”, thereby satisfying FM Allocation Priority No. 4, above.

In Community of License, 5 FCC Rcd 7094 (1990), the Commission stated that it would not blindly apply the “first local service” FM Allocation Priority for the “first local service” preference when a station seeks to reallocate an FM channel from a rural community to a suburban community of nearby Urbanized Area (as recognized by the U.S. Census Bureau). Id. at 7096. ¶13. Rather, the Commission indicated that it would continue to apply its existing precedents<sup>1</sup> in this area and delegated to the Commission’s staff the application of those precedents to specific factual situations. Community of License, supra, 5 FCC Rcd at 7096. As a result, the Commission’s staff has applied these precedents so as to require stations that had sought to

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<sup>1</sup> See, e.g., Huntington Broadcasting Co. v. FCC, 192 F.2d 33 (D.C. Cir. 1951); RKO General (KFRC), 5 FCC Rcd 3222 (1990); Faye and Richard Ruck, 3 FCC Rcd 5374 (1988).

reallot their channels and to modify their licenses from rural a community to a suburban communities within an Urbanized Areas (as designated by the U.S. Census Bureau) to make a showing that the suburban community warrants a “first local service” allotment preference. See, e.g., Elizabeth City, North Carolina, 7 FCC Rcd 6815 (1992).

However, by way of contrast, the Commission has not required such a showing to be made in cases, as here, where a station seeks to reallot its channel and to modify its license from a rural community to another community that is located closer to, but outside of, a U.S. Census Bureau- designated Urbanized Area.

The Commission has stated that it would henceforth require the licensee of a station seeking to move from rural communities to suburban communities located outside of a U.S. Census Bureau designated Urbanized Areas (but, nonetheless near such Urbanized Area) to make the same showing that the Commission currently requires of stations under existing precedents which are seeking to move into such Urbanized Areas if , and only if, the station in question would place a city-grade (i.e., 70 dBu) signal over 50 percent or more of the Urbanized Area. Headland, Alabama and Chattahoochee, Florida, 10 FCC Rcd 10352, 10354 (Mass Media Bureau 1995).

In this case, however, as shown above and in Mr. du Treil’s Engineering Statement (Exhibit 1, infra), the proposed operation of WPEZ(FM) as licensed to Hampton, Georgia, would place a city-grade (i.e., 70 dBu or 3.16 mV/m) or greater signal over no more than 17.8 percent

of the Atlanta, Georgia, Urbanized Area (as designated by the U.S. Census Bureau), and no signal would be placed by the proposed WPEZ(FM) facilities over any part of any other Urbanized Area. See Exhibit 1, infra, at 3. Furthermore, as shown in Exhibit 1, infra, the proposed new community of license -- i.e., Hampton, Georgia -- is not located in the Atlanta Urbanized Area or in any other Urbanized Area; rather, Hampton, Georgia, is located approximately 8 km to the south of the southern-most edge of the Atlanta, Georgia, Urbanized Area. See Exhibit 1, infra at 2 and at Figure 6.

In light of these considerations, under Commission policy, as established in Headland, Alabama and Chattahoochee, Florida, supra, USBLP's instant request to change WPEZ(FM)'s community of license is not subject to the provision by USBLP of additional information responsive to an analysis under Faye and Richard Tuck, supra and other cases, to determine whether the City of Hampton, Georgia, is sufficiently "independent" of Atlanta to merit a "first local service" channel allotment preference. Rather, in light of the facts set forth above, where, as here, such a "first local preference" exists, it should be fully credited to USBLP, in light of all the circumstances here presented.

Nonetheless, if need be, USBLP is prepared to demonstrate in its Comments in the rulemaking proceeding which USBLP is here requesting, that Hampton, Georgia, is not only a specific community for allotment purposes, but also that Hampton is "independent" from Atlanta, Georgia, based on the 8-factor test set forth in Elizabeth City, North Carolina and Chesapeake, Virginia, 9 FCC Rcd 3586 n. 7 (1994).

In this regard, the attention of the Commission is respectfully invited to the fact that Hampton, Georgia, is an incorporated city with a City Charter and is located in Henry County, Georgia, approximately 35 miles south of downtown Atlanta, Georgia. Hampton has a Mayor and a City Council with six Members. The population of Hampton, according to the U.S. Census Bureau, was 2,694 people as of the 1990 U. S. Census. However, according to the City Clerk of Hampton, Georgia (Ms. Elaine Haynes), the current population of Hampton, Georgia, is estimated to be approximately 3,400 persons. In addition, it is estimated that Henry County, Georgia's population increases are and will be as follows:

<u>Year</u>	<u>Population Estimate</u>
1990	59,200
1995	82,700
1996	88,300
2002	115,400
2005	140,300

These estimates are according to the Atlanta Regional Commission and others. According to that Commission, Henry County, Georgia, leads the region in its growth rate, which, since 1990, has averaged 6.9 percent per year.

The City of Hampton provides the following services from its own operating budget and resources to the citizens of Hampton: City police department services, water, sewage, garbage pick-up and electricity services. Electricity services are purchased in bulk from Georgia Power Company and are then resold.



A health care facility is located in Hampton and is known as the Hampton Family Medical Caring Center. Local purchasing facilities in Hampton include a grocery store which is not affiliated with a chain, a pharmacy, a general store, a Hardee's restaurant, a Blimpies restaurant and a pizza fast food outlet. Additionally, many stores are located in the vicinity.

Hampton has a number of local employees, and the largest local employer is the Federal Aviation Administration Center which has over 100 employees. The Hampton City Clerk estimate that approximately 30 percent of the Hampton workforce works within Hampton itself.

It should be noted, in this regard, that the entirety of the region in which Hampton is located is literally booming with growth, and this growth merits awarding a first local service allotment priority to Hampton in this case, in light of Commission policy described above.. Furthermore, as shown in Exhibit 1, infra, adoption by the Commission of the channel reallocation proposed herein by USBLP will not deprive any area of a first or second service. See Community of License, supra, 4 FCC Rcd 4870, 4874 (1989). In addition, it should be noted that the Commission has considered five or more broadcast reception services as being "abundant". Farmington, Grass Valley, Jackson, Fair Oaks, California, et al, 11 FCC Rcd 8117, 8122 n. 1 (Mass Media Bureau 1996).

### **III. Conclusion**

Adoption by the Commission of the channel reallocation and license modification proposed herein by USBLP would therefore be fully consistent with the paramount public

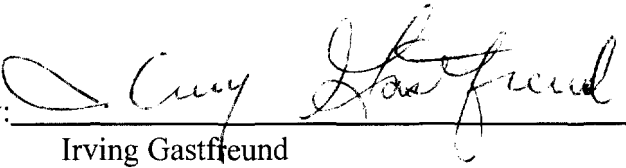
interest, convenience and necessity. Significantly, based on the totality of the record evidence in this proceeding, it is clear that there would be complete compliance with the Commission's minimum FM channel separation requirements, as set forth in Section 73.207 of the Commission's Rules, and other applicable Commission Rules and policies. Under these facts, based on the totality of circumstances here involved, the Commission should expeditiously initiate a formal rulemaking proceeding contemplating expeditious grant of USBLP's instant proposal and modify the FM Table of Allotments to reallocate FM Channel 300C1 from Macon, Georgia, to Hampton, Georgia, and the Commission should concomitantly modify the license of Radio Station WPEZ(FM) to specify operation on Channel 300C1 in Hampton, Georgia, in lieu of operation on Channel 300C1 in Macon, Georgia. See, generally, Farmington, Grass Valley, Jackson, Fair Oaks, California, et al., 11 FCC Rcd 8117 (Mass Media Bureau 1996) (granting a channel reallocation request relocating a local service from the Carson City market to the Sacramento, California Urbanized Area).

In light of all the foregoing, it is respectfully requested that the Commission expeditiously institute a rulemaking proceeding proposing amendment to the FM Table of

Allotments as set forth hereinabove.

Respectfully submitted,

U. S. BROADCASTING LIMITED PARTNERSHIP

By:   
Irving Gastfreund

Kaye, Scholer, Fierman, Hays & Handler, LLP  
901 15th Street, N.W., Suite 1100  
Washington, D.C. 20006  
(202) 682-3526  
Its Attorneys

November 19, 1997

**Exhibit 1**

***du Treil, Lundin & Rackley, Inc.***

\_\_\_\_\_ A Subsidiary of A.D. Ring, P.A.



ENGINEERING EXHIBIT IN SUPPORT OF  
PETITION FOR RULE MAKING OF  
U. S. BROADCASTING LIMITED PARTNERSHIP  
FOR REALLOTMENT OF  
FM BROADCAST STATION WPEZ  
FROM MACON, GA TO HAMPTON, GA

October 21, 1997



ENGINEERING EXHIBIT IN SUPPORT OF  
PETITION FOR RULE MAKING OF  
U. S. BROADCASTING LIMITED PARTNERSHIP  
FOR REALLOTMENT OF  
FM BROADCAST STATION WPEZ  
FROM MACON, GA TO HAMPTON, GA

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Figure 4	Other Services Available Within the predicted 60 dBu contours of WPEZ as Existing and Proposed
Figure 5	Tabulation of Other Services
Figure 6	Proposed WPEZ 70 dBu Contour in Relation to the Atlanta Urbanized Area



ENGINEERING EXHIBIT IN SUPPORT OF  
PETITION FOR RULE MAKING OF  
U. S. BROADCASTING LIMITED PARTNERSHIP  
FOR REALLOTMENT OF  
FM BROADCAST STATION WPEZ  
FROM MACON, GA TO HAMPTON, GA

Technical Statement

This Engineering Exhibit was prepared on behalf of U. S. Broadcasting Limited Partnership (herein "WPEZ"), licensee of FM broadcast station WPEZ Macon, Georgia. This Exhibit supports a petition for rule making to amend the FM table of allotments, 47 CFR 73.202(b) as follows:

<u>Community</u>	<u>Existing</u>	<u>Proposed</u>
Macon, GA	222A, 256C1 287C1, 300C1	222A, 256C1 287C1
Hampton, GA	- -	300C1

Station WPEZ operates on commercial FM channel 300C1, employing effective radiated power (ERP) of 100 kilowatts and antenna height above average terrain (HAAT) of 210 meters. The HAAT employed by WPEZ is 89 meters below the maximum permitted a class C1 FM station. The WPEZ proposal would remove a local service from Macon with abundant service, and provide another city - Hampton, GA - with its first and only local broadcast facility.



In addition to the allotment of four FM channels, all of which are currently in use, there are six AM broadcast stations licensed to Macon. Hampton, on the other hand, has no local aural broadcast assignment.

Hampton City is located in Henry County, Georgia, and according to the 1990 Census, the city had a population of 2,294 persons and the county had a population of 58,741. Hampton is not located in any urbanized area according to the 1990 Census data. The closest urbanized area to Hampton is the southern-most part of the Atlanta Urbanized area, approximately 8 kilometers to the north.

Channel 300C1 can be allotted to Hampton in compliance with the separation requirements of 47 CFR 73.207, employing a transmitter site located approximately 13 kilometers southwest of the city. The following geographic coordinates were employed as reference coordinates for the allocation study:

33° 15' 30" North Latitude

84° 26' 21" West Longitude.

Figure 2 attached lists all pertinent stations associated with the use of channel 300C1 at Hampton. The use of channel 300C1 at these reference coordinates fully complies with Federal Communications Commission rules regarding minimum separation with other pertinent stations, in





addition to the requisite coverage of Hampton. The allocation of channel 300C1 at Hampton, GA is mutually exclusive with the existing use of channel 300C1 by WPEZ.

Figure 3 is a map showing the area in which channel 300C1 may be located and meet all separation requirements as defined in 47 CFR 73.207. This sizable area contains 1,622 square kilometers. The reference geographic coordinates employed for study of channel 300C1 at Hampton are located in the northern part of the usable zone.

In addition to complying with FCC allocation and city coverage rules, the proposed WPEZ operation at Hampton covers no more than 17.8 percent of the Atlanta Urbanized Area (and no portion of any other urbanized area), as defined by the 1990 Census, with a signal strength of 70 dBu (3.16 mV/m) or greater. This assumes operation with maximum class C1 effective radiated power (100 kilowatts) and antenna height (299 meters) and with omni-directional antenna.

The proposed use of Channel 300C1 in Hampton results in greater than 70 dBu (3.16 mV/m) coverage of all of Hampton. In addition, the proposed WPEZ 60 dBu (1.0 mV/m) contour will provide a service to 1,994,701 persons in an area of 16,422 square kilometers. Coverage for the